

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: OHMURA=10

In re Application of:)	Art Unit: 4132
)	
Hitoshi OHMURA et al)	Conf. No.: 6265
)	
I.A. Appln. No.: PCT/JP03/04869)	
I.A. Date: April 17, 2003)	
)	
U.S. Appln. No.: 10/511,844)	Examiner: Edu E. Enin-Okut
371(c) Date: October 19, 2004)	
)	
For: SURFACE TREATED STEEL SHEET)		June 20, 2008
FOR BATTERY CASE ...)	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

The applicants are in receipt of the Official Action of May 21, 2008, in the nature of a restriction requirement on the basis of purported lack of unity of invention. Applicants reply below.

First, however, applicants respectfully request the PTO to acknowledge applicants' papers filed under section 119.

Restriction has been required between what the PTO deems as being two (2) patentably distinct inventions.

Applicants hereby respectfully and provisionally elect Group II, directed to a diffusion layer of a nickel-cobalt-phosphorous alloy formed at the surface on the inner inside of a battery case, presently claim 7, 10-11, and 17-20, without prejudice and without traverse.

Accordingly, applicants accept the PTO ruling that the groups are directed to separate and patentably distinct inventions, and applicants hereby authorize the PTO upon allowance of the elected subject matter, to delete non-elected claims 1-6, 8, 9, 12-16, 21 and 22, in favor of a divisional application which applicants intend to file, applicants in such a case relying on sections 121, 120 and 119.

In view of the PTO ruling, applicants understand that the claims of each of the inventions is deemed patentably distinct from the other, i.e. *prima facie* non-obvious therefrom, and applicants are proceeding in reliance thereof.

Appln. No. 10/511,844
Reply dated June 20, 2008
Reply to Office Action of May 21, 2008

Applicants now respectfully await the results of a first examination on the merits of the elected subject matter of Group II.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicants

By /SN/
Sheridan Neimark
Registration No. 20,520

SN:srd
Telephone No.: (202) 628-5197
Facsimile No.: (202) 737-3528
G:\BN\O\Ohta\OHMURA10\Pto\2008-06-20RestrictionResponse.doc